



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Patrick C. Day, Planner
DATE: May 29, 2012
SUBJECT: 49 Whitney Avenue, 6 & 7 Walter Avenue; Series A Site Plan Review / Special Use Permit
TM ID #: 144.76-1-3, 144.75-4-6, 144.83-4-1
CASE: 2012-29
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), M. Venuti, File

A. REVIEW REQUESTED

H.E. Consultants, LLC has submitted an application on behalf of Cook Brothers Truck Parts for Series A Site Plan / Special Use Permit review of a proposed project at 49 Whitney Avenue, 7 Walter Avenue and 6 Walter Avenue. The proposed project would include:

- Construction of a ~34,500 square foot addition to the existing one-story structure located at 7 Walter Avenue. The proposed addition (22' in height) would extend onto the abutting property known as 49 Whitney Avenue.
- Installation of a loading area serviced by 3 new loading bays located at the eastern perimeter of the new addition.
- Enlargement of existing Whitney Avenue curb cut (currently ~16 feet) to 25 feet
- Expansion of the existing ancillary off-street parking area at the parcel known as 6 Walter Avenue (addition of 25 spaces to existing 17 space lot)

The proposed project is considered an expansion of an existing Warehouse use, allowed in the I-3 District with Series A Site Plan / Special Use Permit approval by the City of Binghamton Planning Commission. The existing Cook Brother Truck Parts facility also utilizes a limited portion of the existing structure at 7 Walter Street for use as Office, General.

The submitted materials indicate that the gross floor area of the facility to be 60,067 square feet. §410.53(C) of the Zoning Code (Off-Street Requirements by Land Use) requires a Warehouse/Wholesale Facility provide a minimum of 1.00 parking space per 1,200 square feet of gross floor area. Therefore, the proposed project must provide 50 off-street parking spaces. The existing parking areas at 7 Walter Avenue contain 31 parking spaces; the ancillary parking lot at 6 Walter Street contains 17 parking spaces (48 total spaces).

The off-street parking area at 6 Walter Avenue is considered legally pre-existing non-conforming for a number of requirements (gravel is not an allowed surface material, ancillary parking lots require 5' landscaped buffer on all sides, etc.). Therefore, the lot cannot be expanded without bringing those portions of the parking area into compliance.

As conformance would require numerous modifications to this parcel, in addition to URRP approval for an ancillary parking lot, the applicant will likely prefer to create two additional parking spaces at 7 Walter Street / 49 Walter Street. Bringing the parking area into compliance with the zoning code, however, is also a possibility and would allow installation of parking spaces at that location.

B. PLANNING STAFF COMMENTS

Following review of the submitted materials, Planning Staff has the following comments:

Site Plan

- The submitted site plan should be revised to indicate the correct Lot Coverage (percentage of land area covered by impervious materials); the 'Site Information' table does not include a calculation based on all impervious surfaces (buildings, parking area and loading area).
- The existing sidewalk along the Whitney Avenue frontage is in severe disrepair and in need of replacement. The existing sidewalk width is ~9.5 feet; a standard 5' concrete sidewalk would match the existing sidewalk to the south of the subject property and be of sufficient width to address this concern. The sidewalk feature is not indicated on the site plan; a revised site plan should be submitted indicating its location and intent to address the issue.
- The handicapped accessibility aisle in the northern parking area of 7 Walter Avenue measures only 5 feet- an 8 foot width is required.
- (Existing Conditions) There is no delineation of the parking spaces in the gravel parking area at 6 Walter Avenue.

Urban Runoff Reduction Plan (URRP)

- The proposed project would create greater than 1,000 sf of impervious surface at the subject properties, and therefore requires acceptance of an Urban Runoff Reduction Plan (URRP) by the Stormwater Management Officer (Engineering Department). The applicant has been informed of this requirement but has yet to submit a plan.
- The proposed project, as indicated on the site plan, will disturb 37,200 sf of land, less than 1 acre, however, the Stormwater Management Officer may require submittal of a Stormwater Pollution Prevention Plan (SWPPP) if deemed necessary. The Engineering Department has received copies of the submitted materials and will provide comments as soon as possible.

C. ADDITIONAL REVIEWS

239 L&M Review is required for this project due to its proximity to NYS Route 363.

The project is not located within any designated Historic Districts, and does not involve any designated Landmark Properties; review by the Commission on Architecture and Urban Design is not required.

The project is not located within the Local Waterfront Revitalization Project boundaries; review by the Waterfront Advisory Committee is not required.

D. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

No specific initiatives are detailed for the proposed project area in the most recent City of Binghamton Comprehensive Plan, adopted in 2003.

The subject properties are located within the boundaries of the Brandywine Brownfield Opportunity Area (BOA). Broome County has received a BOA Nomination award to study the Brandywine Corridor area. The BOA Program is designed to assist communities in fostering redevelopment and returning underutilized land into productive and catalytic areas while restoring environmental quality. The program is currently holding steering committee meetings to establish the strategies to implement this vision.

E. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.

4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

F. SITE REVIEW

The property known as 49 Whitney Avenue is a 2-acre parcel located at the northeast corner of Whitney Avenue and Walter Avenue, one block east of Robinson Street. The property is currently vacant, with the exception of ~4,050 sf structure near the southeast corner of the parcel.

The properties known as 6 & 7 Walter Avenue are located at the corner of Walter Avenue and Walter Avenue. The properties are located at the point of change that Walter Avenue transitions from an avenue traveling north/south, to one traveling east/west. The combined parcels of 6 & 7 Conklin contain 2.18 acres of land. The property known as 6 Walter Avenue is occupied by a one-story office and warehouse structure; 7 Walter Avenue is a vacant lot of mixed surface materials (gravel, soil & grass).

All involved parcels are located within the I-3, Heavy Industrial District. Land use in the vicinity of the subject properties is a mix of commercial and residential. Residential uses (primarily 1 & 2 family homes) are located on the east side of Whitney Avenue, across the street from the subject property. Commercial uses occupy all parcels on the west side of Whitney Avenue to the north of the subject properties.

A bowling alley (Brandywine Bowl) abuts 7 Walter Street to the north; Robinson Plaza is a commercial strip mall which occupies the abutting property to the south of 6 Walter Street (Court Jester Athletic Club, Shenanigan's bar and Rite Aid Pharmacy are located within Robinson Plaza). Route 363 abuts 6 & 7 Walter Avenue to the west.

G. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

6 & 7 Walter Avenue: The Planning Commission, on May 20, 2009, granted Series A Site Plan / Special Use Permit approval to Triple Cities Holdings, LLC for a tractor-trailer sales and repair business and warehouse facility in the I-3 District, on the following conditions:

1. That the applicant shall replace or repair the existing chain-link fencing on the property.
2. That the applicant shall place a visual screen of a permanent nature in the links of the chain-link fence.
3. That no outdoor storage of tires shall be permitted at any time.
4. That no outside storage of materials is permitted in the required front and side setback areas.
5. That there shall be no outdoor storage of vehicle parts, waste products, or other materials permitted unless appropriately screened from view by a means deemed appropriate by the Planning Department.
6. That no junk vehicles be permitted in the open except for those awaiting pick-up by owner, and then only for a period of time not to exceed several hours. Any other junk vehicles must be relocated to a completely enclosed garage or removed from the property.
7. That the applicant shall provide to Planning Staff (within 30 days of the filing of this decision) a revised site plan which includes a note addressing the above mentioned conditions 1, 2, 3, 4, 5 and 6.

17 Whitney Avenue: A Special Use Permit was granted to John Liberati in 1995 for the operation of an automobile repair shop.

67-71 Robinson Street: In 1975, an area variance of rear yard setback requirements was granted to Harris Enterprises Inc. to allow the construction of a commercial building.

73-75 Robinson Street:

- The Planning Commission granted a Special Use Permit to Cliff Thomas in 1997 to operate a car wash.
- M.J.M. Associates was granted an area variance in 1985 to permit an illuminated business sign on the property.

76 Robinson Street:

- Area variances of buffering and off-street parking requirements were requested by Ms. Carol Broderick in 1988. The variance of buffering requirements was granted by the Zoning Board of Appeals, but the off-street parking variance was denied.
- In 1991, the Planning Commission granted a Special Use Permit to Cars Are Necessary, Inc. to operate an auto and truck repair facility.

H. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

I. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for Special Use Permit / Series A Site Plan Review have been met.
2. The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans have been met.

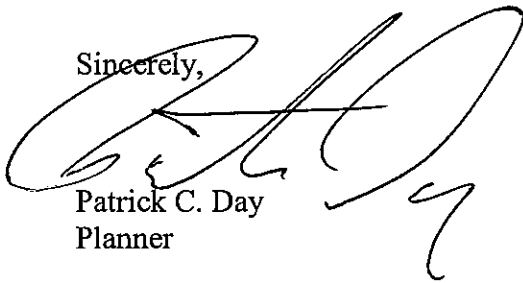
J. COMMENTS FROM OTHER DEPARTMENTS

Representatives of the following departments were provided case materials and an opportunity to offer comments on the proposal: Engineering, Public Works and Fire Departments and the Shade Tree Commission. The deadline for this comment period is June 15, 2012.

K. ENCLOSURES

Enclosed are copies of the site plan packet (including existing site conditions, proposed site plan, addition floor plan and building elevations), the application, short form EAF and site photos.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'P. C. Day', is written over the typed name.

Patrick C. Day
Planner

Enclosures

